

**IN THE UNITED STATES OF DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

CAPITOL RECORDS, INC., *et al.*,

Plaintiffs,

vs.

JAMMIE THOMAS-RASSET,

Defendant.

Case No.: 06cv1497-MJD/RLE

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO NOTIFY
COURT REGARDING PLAINTIFFS'
POSITION ON REMITTITUR**

Plaintiffs respectfully submit this Unopposed Motion for Extension of Time to Notify Court Regarding Plaintiffs' Position on Remittitur and state as follows:

1. On June 19, 2009, the Court entered Judgment against Defendant. (Doc. No. 338.)
2. On January 22, 2010, the Court issued its Memorandum of Law & Order ("Order," Doc. No. 366) concerning the parties' post-trial motions. Among other things, the Court ordered Plaintiffs either to accept a remittitur to \$2,250 for each sound recording infringed by Defendant or to schedule the matter for a trial on damages. (*Id.* at 37.) The Court instructed Plaintiffs to notify the Court of their decision no later than seven days from the date of the Order, i.e., no later than January 29, 2010. (*Id.*)
3. Plaintiffs now respectfully request a ten-day extension of time to notify the Court of their decision. Specifically, Plaintiffs require this extension in order to give them sufficient time to consider the Court's ruling, evaluate their options, and advise the Court of their decision.
4. Undersigned counsel for Plaintiffs has conferred with counsel for Defendant regarding this motion. Defendant's counsel has no objection to the extension.

5. In addition, after conferring with counsel for Defendant, it is the understanding of all parties that the Order granting remittitur is not a final order and therefore that the parties' time to appeal has not yet begun to run and will not begin to run until this Court issues a further order following Plaintiffs' response to the order granting remittitur.

6. This is the first request for an extension of this deadline. The requested extension will not interfere with any other deadlines in the case and will not cause prejudice to any party.

7. Accordingly, Plaintiffs respectfully submit that good cause exists for extending the deadline for Plaintiffs to notify the Court of their decision to accept remitted damages or schedule a new trial by ten days, to and including February 8, 2010.

WHEREFORE, Plaintiffs respectfully request that the Court extend the deadline for Plaintiffs to notify the Court of their decision to accept remitted damages or schedule a new trial by ten days, and enter an order resetting this deadline to February 8, 2010.

A form of order has been sent to chambers for the Court's convenience.

Respectfully submitted this 26th day of January 2010.

/s/ Andrew B. Mohraz

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